

MAR 20 2006

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Alex MacMurdo
Application No.:	10/699958
Filed:	November 3, 2003
For:	Magnetic Tube and Delivery Apparatus
Examiner:	Seth E. Barney
Group Art Unit:	3752

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: M113.2N-10592-US02

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, Alex MacMurdo of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer, of prior patent No. 6,659,313. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

March 20, 2006  
Date

  
Signature

Edwin E. Voigt II  
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included, PTO-2038 Form is Attached.
- ☒ PTO suggested wording for terminal disclaimer was
- ☒ unchanged ☐ changed ( if changed, an explanation should be supplied).